

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

HOWARD K. STERN, as Executor of the)	
Estate of Vickie Lynn Marshall,)	
a/k/a Vickie Lynn Smith,)	Civil Action No. 4:08-cv-2753-TLW
a/k/a Vickie Lynn Hogan,)	
a/k/a Anna Nicole Smith,)	
)	
Plaintiff,)	
)	
vs.)	
)	
STANCIL SHELLEY,)	
a/k/a Ford Shelley,)	
G. BEN THOMPSON,)	
and John or Jane Doe 1-12 whose true names)	
are unknown,)	
)	
Defendants.)	
)	
	/	

**PLAINTIFF’S MOTION FOR LEAVE
TO AMEND AND SUPPLEMENT COMPLAINT; AND
FOR JOINDER OF ADDITIONAL DEFENDANTS**

COMES NOW Plaintiff Howard K. Stern, as Executor of the Estate of Vickie Lynn Marshall a/k/a Anna Nicole Smith (the “Executor”) and hereby moves this Court for an order granting leave, pursuant to Federal Rules of Civil Procedure 15(a)(2), 15(d), and 20(a)(2), (i) to amend and supplement the Complaint filed by the Executor on August 4, 2008, (ii) to join Gaither Bengene Thompson, II (“Gaither”), Melanie Thompson (“Melanie”), Gina Thompson Shelley (“Gina”) (collectively, the “Doe Defendants”), and Susan M. Brown (“Brown”) and The Law Offices of Susan M. Brown, P.C. (the “Law Firm”) as party defendants; and (iii) to amend the caption of the case accordingly.

Through discovery, the Executor has learned additional facts that support the claims set forth in the Complaint. For example, the Executor has learned of additional conversions of Estate

property, such as Ford Shelley's distribution of Estate property to Geraldo Rivera and the California Department of Justice. Moreover, the Executor has learned the true identities of the Doe Defendants. Accordingly, this Court should grant the Executor leave to amend his Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2).

The Executor has also learned of additional transactions, occurrences, and events that have occurred since August 4, 2008, which is the date of the pleading sought to be supplemented. For example, the Executor has learned that as recently as September 22, 2009, Brown continued to maintain copies of Estate property on the Law Firm's computer, which not only constitutes conversion but is also a violation of the Consent Preliminary Injunction entered by this Court. Therefore, this Court should grant the Executor leave to amend his Complaint pursuant to Federal Rule of Civil Procedure 15(d).

Through discovery and only after an order from the United States District Court for the Northern District of Georgia compelling Brown's attendance at a deposition, the Executor learned that Brown and the Law Firm played an integral role in the unauthorized transfer of Estate property. Furthermore, the Executor learned that Brown herself committed numerous acts that fall within the claims alleged by the Executor in this action. Accordingly, this Court should permit the Executor to add Brown and the Law Firm as party defendants pursuant to Federal Rules of Civil Procedure 15(a)(2) and 20(a)(2).

A copy of the First Amended Complaint is attached hereto as Exhibit "A" and is incorporated by reference.

The grounds for the Motion are more fully set forth in the accompanying brief, and the factual bases upon which the amended and supplemental claims are based are set forth in Exhibit A.

WHEREFORE, the Executor respectfully requests that his motion be granted and this Court enter an order:

- (1) granting leave for the Executor to file his amended and supplemented complaint;
- (2) granting leave for the Executor to identify and join the Doe Defendants as the following named parties: Gaither Bengene Thompson, II, Melanie Thompson, and Gina Thompson;
- (3) joining Susan M. Brown and The Law Offices of Susan M. Brown, P.C. as party defendants; and
- (4) amending the caption of this action accordingly.

The Executor further requests that the Defendants be required to file a pleading in response, if any, not more than ten days after service of the First Amended Complaint.

Respectfully submitted this 27th day of October, 2009.

/s/ Louis Nettles
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Attorneys for the Executor

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule of Court 7.02, prior to filing this motion, counsel for the Executor conferred with opposing counsel and attempted in good faith to resolve the matter contained in this motion.

/s/ L. Lin Wood
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CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2009, I electronically filed the foregoing document with the Clerk of Court, which will automatically send notification of such filing to the following attorneys of record:

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This 27th day of October, 2009.

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